

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,
Plaintiff,

v.

CSX TRANSPORTATION, INC.,
Defendant.

C.A. No.: 04-30189-MAP

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

This is to certify that the defendant, CSX Transportation, Inc. ("CSX") and its counsel, Flynn & Associates, P.C. ("F&A"), have conferred to establish a budget for the full litigation of the above-captioned matter, as well as a budget for various alternatives. Further, that CSX and F&A have discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs and need to develop further information before deciding whether the case is appropriate for settlement, ADR, or full litigation.

Respectfully submitted,
CSX TRANSPORTATION, INC.
by its attorneys,

/s/ Bethany M. Machacek
Michael B. Flynn, BBO# 559023
Bethany M. Machacek, BBO# 657237
FLYNN & ASSOCIATES, P.C.
400 Crown Colony Drive, Suite 200
Quincy, MA 02169
(617) 773-5500
Dated: November 8, 2004

On behalf of CSX TRANSPORTATION, INC.,

/s/ Gary Baker
Gary Baker
Manager of Field Investigations, General Claims Department
CSX Transportation, Inc.
Dated: November 8, 2004

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